

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6359

BILL NUMBER: SB 294

NOTE PREPARED: Nov 17, 2004

BILL AMENDED:

SUBJECT: Subpoena Powers of the General Assembly.

FIRST AUTHOR: Sen. Steele

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a subpoena or other process issued by a committee of the House of Representatives must be signed by the Speaker of the House of Representatives and the committee's chair. The bill provides that a subpoena or other process issued by a committee of the Senate must be signed by the President Pro Tempore of the Senate and the committee's chair. It removes the following requirements: (1) That a subpoena or other process issued by a legislative committee must be authorized by a resolution of the committee's respective chamber. (2) That a subpoena issued under the authority of the General Assembly must be pursuant to an investigation. It also makes technical changes.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, by resolution, the General Assembly, either chamber, or a legislative committee to which duties of investigation have been entrusted may issue a subpoena in aid of its proper legislative function. Knowingly defaulting or refusing to answer pertinent questions is a Class A misdemeanor.

Under the bill, the House of Representatives, the Senate, a joint committee, the chair of a committee of the House of Representatives, or a chair of a committee of the Senate may issue a subpoena by resolution with the signature of the Speaker of the House, the President of the Senate, or the committee chairperson. There are no data available to indicate if expanding the authority to issue subpoenas would result in more people being subpoenaed, increase the number of people defaulting or refusing to answer questions, or result in more Class

A misdemeanors.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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